IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3065 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.5652/2005 Dated 22/09/2005
CC.531/2002 of J.M.F.C.,TIRUR
CRIME NO.173/02 OF KALPAKANCHERY POLICE STATION

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: APPLICANT/ACCUSED

AVARANKUTTY, S/O.KUNJEEN,
CHERIYAMPURATH HOUSE,
ANTHEVOOR AMSOM, ANTHAVOOR DESOM,
TIRUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3065 OF 2007

Dated this the 29th day of May, 2007

O R D E R

Petitioner, who is the accused in Crime No.173/02 of Kalpakanchery Police Station for offences punishable under Secs.324 and 326 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. No.531/05 on the file of the J.F.C.M., Tirur, the case against the petitioner has been transferred to the Long Pending Case Register as L.P. Case No.82/05. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

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